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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,480

01/09/2004

Tetsuro Chino

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22852 7590 12/23/2008  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/753,480</p>	<p><b>Applicant(s)</b> CHINO ET AL.</p>	
	<p><b>Examiner</b> JAMES S. WOZNIAK</p>	<p><b>Art Unit</b> 2626</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/James S. Wozniak/  
Patent Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: With respect to Claim 1, the applicants argue that Kimura et al (US 5,247,580) fails to address "a level of importance selected from more than two levels of importance" because it is alleged that Kimura only teaches two degrees of importance (i.e., important or not important) (Amendment, Pages 4-5). In response, the examiner notes that Kimura does teach more than two degrees of importance. In Col. 1, Lines 39-51, Kimura describes that different types of commands have "suitable different degrees of importance" and in Col. 2, Lines 8-31, Kimura further recites that a degree of importance is generated based on a recognition result (i.e., the word(s) identified in the user's speech), which in turn specifies the acceptable level of system accuracy. Thus, since Kimura teaches a system having a dictionary of a plurality of words (Col. 3, Lines 46-62), which have an associated "suitable different" degree of importance, the applicant's argument has been fully considered, but is not convincing.

The applicants' arguments directed to the teachings of Lemelson (US 6,028,514) (Amendment, Page 5) are not convincing because the plurality of levels of importance is taught by Kimura for the reasons noted above. The applicants next argue that the Final Office Action from 9/10/2008 fails to articulate a reason why the claimed invention would have been obvious (Amendment, Page 6). The examiner respectfully disagrees because the motivation for combining the prior art of record was provided and is found in the references themselves (see Prior OA, Pages 3-4, 6-7, 9-12, and 14-19). Also, these arguments were previously addressed on Pages 3-4 of the prior Office Action. The applicants' arguments directed to Ueda (US 6,493,663) were addressed in the prior Office Action on Pages 4-5. Finally, the applicants argue that the Finality of the Office Action from 9/10/2008 was improper because the amendment in the RCE from 6/26/2008 altered the claims so they were no longer drawn to the same invention (Amendment, Page 12). In response, the examiner notes that the finality of this Office Action was proper. More specifically, the claim amendments in the aforementioned RCE were directed to including "selected from more than two levels of importance". Even with the inclusion of this claim limitation, the claimed invention is still directed to the system/process for translating with a level of accuracy based on a level of importance. Also, as per MPEP 706.07, this limitation could have been finally rejected on the grounds and art of record if it had been entered in the application prior to entry under 37 CFR 1.114. Thus, since the invention is still directed to a process/system directed to performing a translation with an accuracy based on levels of importance and the claims could have been finally rejected using the same grounds and art of record if the amendments were entered prior to submission of the RCE, this argument has been fully considered, but is not convincing.